

GOVERNMENT PATENTS BOARD

OFFICE OF THE CHAIRMAN

DEPARTMENT OF COMMERCE BUILDING, WASHINGTON 25, D. C.

STATINTL

Interpretations and Opinions No. 3

September 10, 1951

PART-TIME CONSULTANTS AND PART-TIME EMPLOYEES

In providing for the exception of part-time consultants and part-time employees of the Government from the provisions of Executive Order 10096, in accordance with paragraph (b) of section 4 of Administrative Order No. 5, the terms "part-time consultant" and "part-time employee" shall be understood to include any person the terms of whose appointment or employment contemplate that he shall work less than (1) the minimum number of hours per day, or (2) the minimum number of days per week, or (3) the minimum number of weeks per year regularly required of full-time employees of his class.

When seeking approval of the exception of an individual part-time consultant or part-time employee or a group of part-time consultants or part-time employees from the provisions of Executive Order 10096 and of any agency regulation issued thereunder, the agency concerned shall submit to the Chairman of the Government Patents Board a statement of the special circumstances requiring the exception.

In determining whether the exception would be approved, the Chairman will take into consideration (1) any conflicting obligation the discharge of which would be inconsistent with the discharge of any obligation arising under Executive Order 10096, (2) the amount of time the person has worked and/or is required to work for the Government, (3) the purpose for which he is employed, and (4) any other relevant facts. It shall be the responsibility of the person concerned to bring to the attention of the employing or appointing agency any conflicting contractual obligation which might affect his status with respect to Executive Order 10096.

For the purposes of this interpretation, a person engaged in the performance of research, development or other activity for the Government under a Government-financed contract or grant is not, insofar as concerns such activity, considered a Government employee.

*Archie M. Palmer*

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Chairman

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